



Order Filed on May 31, 2022  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004

**McMANIMON, SCOTLAND & BAUMANN, LLC**

427 Riverview Plaza

Trenton, New Jersey 08611

(973) 323-8667

Andrea Dobin

[adobin@msbnj.com](mailto:adobin@msbnj.com)

*Attorneys for Thomas J. Orr, Chapter 7 Trustee*

In re:

**RAPHAEL S. GARDEE,**

Debtor.

Case No. 20-13167(KCF)

Chapter 7

Honorable Kathryn C. Ferguson, U.S.B.J.

**ORDER AUTHORIZING THE SALE OF THE ESTATE'S INTEREST IN THE REAL  
PROPERTY LOCATED AT 36 WILFRED AVE., TITUSVILLE, NJ, FREE AND CLEAR  
OF CERTAIN LIENS**

*Revised as of 5/31/22*

The relief set forth on the following pages numbered two (2) through three (3) is hereby  
**ORDERED.**

**DATED: May 31, 2022**

  
Honorable Kathryn C. Ferguson  
United States Bankruptcy Judge

Page 2 of 3

Debtor: Raphael S. Gardee

Case No. 20-13167(KCF)

Caption of Order: Order Authorizing the Sale of the Estate's Interest in Real Property Located at 36 Wilfred Ave., Titusville, NJ free and clear of certain liens

---

**THIS MATTER**, having been presented to the Court by Thomas J. Orr, the Chapter 7 Trustee (the “**Trustee**”) for Raphael S. Gardee, Chapter 7 debtor (“**Debtor**”), by and through his counsel, McManimon, Scotland & Baumann, LLC, upon the filing of a Motion for an Order Authorizing Sale and Granting Related Relief (the “**Motion**”) relating to the Trustee’s proposed sale of the Estate’s interest in the real property located 36 Wilfred Ave., Titusville, NJ (the “**Property**”); due and proper notice of the Motion and related matters before the Court in this case having been given; and the Court having considered the moving papers and opposition thereto (if any) and having heard and considered oral argument (if any); and finding that good and sufficient cause exist for the granting of the relief as set forth herein,

**THE COURT MAKES THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

- A. Full and adequate notice of the Motion has been afforded to all interested parties.
- B. The Trustee received an offer from Genya Daukshta (the “**Buyer**”) in the amount of Fifteen Thousand Dollars (\$15,000) which offer is the highest and best offer received for the Property, and the sale price for the Property constitutes full and adequate consideration and reasonably equivalent value for the Property.
- C. The transaction being proposed by the Trustee was negotiated at arm’s length and in good faith.
- D. The Buyer is a good faith purchaser for value pursuant to Section 363(m) of the Bankruptcy Code and, as such, the sale of the Property is entitled to all of the protections afforded thereby. The Buyer is acting and will act in good faith within the meaning of Section 363(m) of the Bankruptcy Code.

Page 3 of 3

Debtor: Raphael S. Gardee

Case No. 20-13167(KCF)

Caption of Order: Order Authorizing the Sale of the Estate's Interest in Real Property Located at 36 Wilfred Ave., Titusville, NJ free and clear of certain liens

---

**IT IS HEREBY ORDERED AS FOLLOWS:**

1. The Motion is **GRANTED**.

2. The sale of the Trustee's right, title, and interest in the Property to Buyer is hereby approved. The Property is being sold free and clear of the following judgment liens (the "**Judgment Liens**"):

Creditor Name	Judgment Number	Judgment Date
United Natural Foods, Inc.	J 165051-18	9/26/2018
JR Construction, II, Inc.	J 111283-19	8/1/2019
Rainforest Distribution Inc.	J 011316-20	1/27/2020
Abdurrahm Gardee	J 192939-19	12/20/2019
Kehe Distributors, LLC	J 103555-19	7/25/2019
Eastern Funding, LLC	J 138886-19	9/23/2020

3. Valid liens, claims and encumbrances attached to the proceeds of sale in the hands of the Trustee.

4. The sale of the Estate's Interest in the Property is specifically being made *subject to* the liens, claims and interests of the mortgage company, the tenant and the municipality.

5. The record and transcript of the hearing(s), if any, and all findings and determinations of this Court are hereby incorporated herein.

6. The Trustee is hereby authorized to execute such necessary and appropriate documents in order to effectuate the aforesaid sale.

7. The automatic stay of Fed.R.Bankr.P. 6004(h) is waived.

8. The Court retains jurisdiction over the parties and this matter for, *inter alia*, purposes of enforcing this order and otherwise implementing the sale.